(2) A BILL TO AMEND THE MADRAS MEDICAL REGISTRATION ACT, 1914.

Mr. DANIEL THOMAS:—" I beg leave to introduce a Bill to amend the Madras Medical Registration Act, 1914."

Mr. M. DEVADASAN:—" I second it."

The motion was put and carried.

Mr. DANIEL THOMAS:—" I introduce the Bill."

(3) THE MARUMAKKATTAYAM BILL.

* Mr. V. P. NARAYANAN NAMBIYAR:—" I move that the Marumakkattayam Bill[a] (Bill No. 13 of 1931) be referred to a Select Committee consisting of the following Members:—

(1) The hon. Diwan Bahadur Sir M. Krishnan Nayar.
(2) The hon. Diwan Bahadur B. Muniswami Nayudu.
(3) Dr. P. Subbarayan.
(4) Mr. K. P. Raman Menon.
(5) Mr. C. Krishnan.
(6) Mr. P. Madhusoodhanan Thangal.
(7) Khan Bahadur T. M. Moidoo Sahib Bahadur.
(8) B. Pocker Sahib Bahadur.
(9) Mr. R. M. Palat.
(10) Mr. A. B. Shetty.
(11) Mr. U. C. Subrahmanya Bhatt.
(12) Mr. F. E. James.
(13) Mr. A. Ranganatha Mudaliyar.
(14) Diwan Bahadur C. S. Ratnasabhapati Mudaliyar.
(15) Myself.

" Sir, I think it is necessary to briefly indicate the necessity for a legislation of this kind and the lines on which legislation is proposed. The communities governed by the Marumakkattayam and Aliyasantana law have been asking for the legal recognition of the customary marital unions prevailing among them. The Malabar Act of 1896 was passed in response to this demand. But that legislation is a very imperfect measure and has failed to meet the requirements of the people concerned. It does not legalise the sambandham, but provides for the optional registration of marital unions to invest them with validity. The refusal of the Court to regard the sambandham as a legal marriage has stamped one of the most enlightened classes in this country as an inferior race and prevented it from growing to its fullest natural stature. The Bill seeks to invest the sambandham with all the incidents of legal marriage. This may, in theory, look like a great departure from the existing state of things, but it is in truth no more than giving a formal legal sanction to what, in practice, is regarded as a sacred and lifelong union. Apart from marriage and inheritance, the need for a law providing for partition has long been felt. The tarwads have expanded beyond all natural limits so much so that it is often

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[a] Published in the *Fort St. George Gazette*, dated 18th August 1931.

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difficult to trace the exact relationship of the members composing them. The consequence has been ruinous litigation. There is hardly a family of substance in Malabar that is not in the courts. Suits for maintenance instituted by the junior members are a common feature of Marumakkattayam and Aliyasantana life. There are instances of crimes committed on account of family quarrels. The Bill endeavours to remedy this evil by providing for partition in rather a conservative fashion. It does not create the right to individual partition, but only to tavazhi partition. Personally I stand for individual partition and I am also aware that there are a good many people in Malabar who demand individual partition. But partly as a concession to orthodox opinion, and partly by way of abundant caution, only tavazhi partition has been provided for. The Bill that has been introduced by my hon. Friend, Mr. Palat, also provides for tavazhi partition. But his Bill excludes from its operation the Rajas and Sthanies. I have not excluded them. But there is a provision in my Bill allowing any tarwad to remain impartible in case not less than two-thirds of the major members of any tarwad desire to remain impartible. But if my hon. Friend, Mr. Palat, who is the accredited representative in this House of the Rajas and Sthanies of Malabar, thinks that the position I have taken up is not enough so far as Rajas and Sthanies are concerned, I have not the slightest hesitation in accepting his view.

"Mr. President, the need for such a legislation as this was felt years ago. Two eminent sons of Malabar who are important members of this House—I refer to the Law Member and my hon. Friend, Mr. K. P. Raman Menon—had introduced Marumakkattayam Bills, which elicited a volume of opinion in its favour, even in pre-reform Legislative Councils. The Bill that I have introduced is, except for a few minor verbal alterations, the same Bill that was introduced into the third Legislative Council by Mr. K. Madhavan Nayar and had met with popular approval. I, therefore, hope that this Bill will meet with the active sympathy and hearty co-operation of the whole House. To the hon. the Law Member, who is the Government Member in charge of this Bill, I would earnestly appeal in the name of Malabar, which had stood very loyally by him in all his elections, to facilitate the passage of this Bill, which he fully knows is the cry of Malabar to-day."

* Mr. U. C. Subrahmanya Bhatt:—"I have great pleasure in seconding this motion. In doing so, I wish to lay before you some two or three aspects which have not been referred to by the hon. Mover. Firstly, I may say that this Bill is of very urgent necessity from an economic point of view in addition to the legal inconvenience from which the people have been suffering. I may say that the present system of management by Ejaman who has absolutely no interest in the property of the tarwad beyond taking everything that is possible for him to take from the property is very detrimental to the tarwad property. The economic development of the family property suffers, because once a member becomes Ejaman of the property he grabs as much as he can

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from the tarwad property and hordes up as much as he can for his wife and children. He does not care to spend a single pie of the surplus income which he may get for the improvement of the tarwad property and the property goes to rack and ruin. Secondly there are the junior members of the families. It may be said that the junior members of the families may spend some money and energy for the improvement of the tarwad property. They too do not; because so long as they get for their maintenance, they do not care for the tarwad property and they have no further interest in it. After all, Sir, the junior members of the families would come into management very remotely, and perhaps may not come in at all within their lifetime in most cases. Sir, this system of law was prevalent when marriage was not a recognized institution. Now marriage has come to be thought of as a well established social institution. Why not give it a legal recognition too? I therefore submit that this system of law which is now prevailing in Malabar and South Kanara should be changed. The sooner it is changed the better it will be for all concerned. I submit, Sir, when it is known that a Bill was introduced by the hon. the Law Member and another also by Mr. Raman Menon, a third by Mr. Madhavan Nayar in the third reformed Council and if again this is introduced for a fourth time, it establishes a case for such a measure beyond all doubt. I submit that the sooner it goes to the Select Committee and it is thrashed out, the better. The people in Malabar and South Kanara are crying for a legislation of this kind. I do hope that the House will consider this aspect of the question and will see that the Bill is referred to a Select Committee.

"With these few words I second the motion."

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I have given notice of an amendment to this motion and it reads thus:—

'*That the Marumakkattayam Bill (Bill No.* 13 *of* 1931) *be circulated for the purpose of eliciting opinion thereon.*'

"My hon. Friends of this Council will understand that this is a piece of social legislation. Attempts are made in this Bill to introduce rights of partition and other rights which do not now exist among the communities that are governed by this law. According to the existing law, properties of these Marumakkattayam families and Aliyasantana families are impartible. One of the objects of this Bill is to give power to branches of these big families to demand compulsory partition of the family properties. Then again, there are other chapters in this Bill which deal with the question of guardianship, with the question of testate and intestate succession. According to the existing law, properties of these Marumakkattayam and Aliyasantana families descend in a particular way. There is an attempt made in this Bill to make these properties descend in other ways. There are also provisions in the Bill connected with the marriage question, which introduce changes in the existing customs of Nayars who are governed by the Marumakkattayam law and these changes will also apply to some people of the South

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Kanara district, who are governed by the Aliyasantana system of inheritance. In addition to all these provisions, the Bill applies not only to two communities, viz., the Nayars and the people governed by Aliyasantana system of law, but it applies also to all Hindus who are governed by Marumakkattayam law. I may say for the information of this House there are other communities in addition to Nayars who are governed by Marumakkattayam law. For instance the Tiyas whose community consists of many enlightened members are governed in parts of Malabar district by the Marumakkattayam law. There are, again, certain classes of temple servants who are governed by this system of law. There are also certain classes of Brahmans who are governed by the Marumakkattayam law. My hon. Friend wants to apply the provisions of this Bill not only to the members of these communities, but also to some non-Marumakkattayam Hindus. I do not want to say anything about the merits of the Bill or the desirability or otherwise of passing this measure, at the present stage. What I say is that this measure is a piece of social legislation. Government, before making up their minds as to the attitude which they should take, should have materials before them, i.e., the opinions of the members of the communities concerned.

"I had an informal conversation with my friends of the Marumakkattayam community in this Council and they said that if I could give an undertaking that the opinions of the community and the persons that would be affected by the Bill would be obtained by the Government before a particular date, say, the 5th or 10th of January next, so that they might consider them before the next meeting of the Council, they would have no objection to the amendment that I have moved now. I give that undertaking now on the floor of the House. I shall issue instructions to the effect that the opinions of the members of the community should be elicited and that they should reach the Government before the 5th or the 10th of January next. After they are received they will be printed and placed before the House. I do not wish to make a long speech at this stage. With these observations I move the amendment." 3-45 p.m.

The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"I second it."

* The hon. the President:—"The amendment before the House is that the Marumakkattayam Bill (Bill No. 13 of 1931) be circulated for the purpose of eliciting opinion thereon. Both the original motion and the amendment are now before the House for discussion."

* Mr. A. B. Shetty:—"I do not want to oppose the amendment of the hon. the Law Member. I believe that materials on this question had already been collected and the opinions of the communities affected by this Bill must have been obtained when the hon. the Law Member as well as Mr. Raman Menon sought to introduce similar Bills in this Council in the pre-reform days. We shall be much obliged to the Government if they make those materials available to us now. This

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Bill was introduced three months ago and there was ample time for the Government to call for information and know the views of the people concerned in this matter. I do not see why they should have been indifferent and slept over this matter so long. What is the procedure they are now going to follow in eliciting public opinion—in choosing persons who will be asked to give their views on this matter? To whom will this Bill be sent for remarks? I am afraid if this Bill is referred only to karnavans and adverse opinions are received, it would be an effective way of damning it even at the beginning. Government should elicit the opinion of all parties interested in this matter, not merely of the karnavans but also of the junior members of families. I do not know whether arrangements will be made for calling public meetings and ascertaining popular opinion regarding this Bill. In South Kanara we have been holding public meetings and ascertaining the views of the pepole affected by this legislation. We have held meetings of Bunts and Billavans and Marumakkattayam people belonging to Kasaragod taluk. I do not propose at this stage to tell the House what views people in South Kanara have expressed in regard to this Bill. (Hear, hear.) It is not necessary to go into it now. I would only request the hon. the Law Member to see that this Bill is sent for opinion to a representative body of people, to publish the opinions collected and place them on the table of the House. If possible arrangements may also be made for holding public meetings and eliciting the opinion of the public on the Bill."

* Mr. C. KRISHNAN:—" I fully support this Bill."

* Mr. V. P. NARAYANAN NAMBIYAR:—" In view of the undertaking given by the hon. the Law Member that he would make arrangements for eliciting public opinion on the Bill before the 5th or the 10th January I do not propose to press my motion for referring the Bill to a Select Committee. I accept his amendment."

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" May I say one word, Sir, at this stage before you put the motion to the House? My Friend, Mr. Shetty, referred to the materials collected in connection with a Bill which he says I introduced some time ago. I remember to have introduced some measure about 25 years ago when I happened to be a member of this Council as it was then constituted. I do not think it proceeded far because I left the Council for another part of south India. Mr. Raman Menon's Bill also was introduced many years ago and I do not know whether opinions were collected then and even if they were collected whether they are now in existence.

" If lists of persons to whom the Bill should be circulated are furnished to me, I shall certainly consider them. I may not personally know all the persons in the list; therefore, I hope that my friend will be careful to include in the list persons who are likely to be in favour of the Bill as well as those who are likely to be opposed to the Bill. In addition to this, I shall also ask the Collectors of Malabar and South Kanara to select persons to whom this Bill should be sent.

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"As for holding public meetings, I am afraid it is beyond Government. It is for my hon. Friend to hold meetings and send the resolutions passed by them to Government for information. In fact, this is one of the ways in which my friend can help Government. Let him arrange to hold meetings in various parts of the country, of people who are in favour of the Bill and of people who are against the Bill, and send their opinions to Government. Such opinions are likely to reflect the opinion of the community and they will be of considerable help to Government."

* The hon. the PRESIDENT:—"Mr. Hameed Khan may move his amendment now."

Mr. ABDUL HAMEED KHAN:—"I formally move—

'*that the Marumakkattayam Bill (Bill No. 13 of 1931) of Mr. V. P. Narayanan Nambiyar be circulated for the purpose of eliciting opinion thereon and that such opinion be obtained and placed on the table of the House before the next meeting of the Council*'."

B. POCKER SAHIB Bahadur:—"I second it."

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"The date of the next meeting has not been fixed. It may be after the 10th of January. As I have said before, I undertake to get the opinions of the persons concerned before the 5th or the 10th of January. After getting the opinions of the persons concerned, I shall print them and place them before hon. Members. In the light of these remarks I hope my hon. Friend will not press his amendment."

Mr. ABDUL HAMEED KHAN:—"I do not press my amendment; I hope the opinions will be received before the 5th January."

The amendment was by leave withdrawn.

* The hon. the PRESIDENT:—"The question is that Bill No. 13 of 1931 be circulated for the purpose of eliciting opinion thereon."

The motion was carried.

(4) THE NAMBUDIRI BILL

* Mr. P. MADHUSOODHANAN THANGAL:—"Mr. President, Sir, I rise to move that the Nambudiri Bill[a] (Bill No. 14 of 1931) be referred to a Select Committee. Before I do so, may I, Sir, now with your kind permission make a few observations, regarding the necessity for legislation on the lines proposed by me.

"My Bill does not propose to introduce any revolutionary change. The whole Bill centres round one question, i.e., whether all Nambudiri males should be allowed to marry within caste. If this question is to be answered in the affirmative, then the Bill has to be accepted. The only other important question involved in the Bill is whether a member should have the right to ask for his share of the family properties. I do not think that any one would give a negative answer to this question. There may be some people who think whether their right to partition is not likely to be abused. It is to appease them that certain restrictions have been imposed on the exercise of their right. The greatest disease

[a] Published in the *Fort St. George Gazette*, dated 18th August 1931.